



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/866,991	05/29/2001	Mark Palmer	068354.1088	4513

23640 7590 04/28/2004

BAKER BOTTS, LLP
910 LOUISIANA
HOUSTON, TX 77002-4995

EXAMINER

CHEN, ALAN S

ART UNIT	PAPER NUMBER
----------	--------------

2182

DATE MAILED: 04/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/866,991

Applicant(s)

PALMER ET AL.

Examiner

Alan S Chen

Art Unit

2182

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15-18 is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Objections

1. Claim 16 is objected to because of the following informalities: misspelling of the word "further" in line 1. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-7 and 9-13, rejected under 35 U.S.C. 102(b) as being anticipated by No. 5,734,487 to Rossi.

4. As per claims 1-3,9 and 11-13, Rossi discloses an apparatus and method for storing an identification data string used in identifying characteristics of a device in a communication circuit, comprising: a communications controller (Fig. 3, element 202, a microcomputer, controls the communication between UART and system elements, e.g., elements 204, 206, etc) adapted for connection to a device (devices that attach to bus interface of Fig. 3, element 200) and a communications circuit (Fig. 3, element 200, being an UART); and a programmable non-volatile memory (Fig. 3, elements 204 which can be a FLASH / EEPROM) for storing an identification data string representative of the capabilities of the device (Column 4, lines 29-48, where FLASH EEPROM stores basic operating routines to allow the computer to boot and perform certain fundamental system functions, which define the capabilities of the device).

Art Unit: 2182

5. As per claim 4, Rossi discloses claim 1, wherein said communications controller generates a serial clock rate (Column 5, lines 35-40, the microprocessor in 202, takes in the serial data inherently through a clock that operates at a certain rate. This is a required to latch in serial data).

6. As per claims 5 and 6, Rossi discloses a wireless communications circuit being infrared (Column 2, lines 15-24, also Rossi describes wireless communication in general, and is thereby applicable to any wireless protocols such as Bluetooth and IrDA).

7. As per claim 7, Rossi discloses claim 1, wherein the communications circuit is wired (Fig. 2, elements 104 wired to peripheral communication devices (through element 134).

8. As per claim 10, Rossi discloses claim 1, wherein said programmable non-volatile memory is programmed with a first identification data string that is generic (Column 4, lines 40-43, basic operating routines needed to boot up computer), and said programmable non-volatile memory is adapted to be programmed with a second identification data string that is associated with specific capabilities of the device (Column 4, lines 45-48, starting up video requires separate data for initialization).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 8 is rejected under 35 USC 103(a) as being unpatentable over Rossi.

Rossi discloses claim 7.

Art Unit: 2182

Rossi does not disclose expressly using standards Ethernet, USB, Firewire, DALI, LIN, J-1850 or IEEE-1451.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use anyone of these standards, particularly the more popular ones such as Ethernet, USB and Fire wire.

The suggestion/motivation for doing so would have been to use a standard that is widely accepted to gain a broader market to sell the product, since it allows other 3rd party companies to develop hardware/software to communicate with product. Furthermore, using these standards automatically ensures compatibility, reliability and a wealth of development and help resources for the product.

Therefore, it would have been obvious to use any one of the above standard protocols, for the benefits of using a standard.

Allowable Subject Matter

11. Claims 15-18 are allowed.

12. The following is the statement of reasons for the indication of allowable subject matter: The prior art disclosed by the applicant and cited by the Examiner fail to teach or suggest, alone or in combination, a system for communication between two or more devices comprising a first and second communication controller having a first programmable non-volatile memory for storing a first identification data string representative of the capabilities of the first device; said second communications controllers having a second programmable non-volatile memory for

Art Unit: 2182

storing a second identification data string representative of the capabilities of the second device; and wherein the first and second identification data strings are transmitted and received between the first and second devices over the communications circuit.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to :

U.S. Pat. No. 5,444,439 to Kuroda et al.

U.S. Pat. No. 5,812,293 to Yen

U.S. Pat. No. 5,850,304 to Elmers et al.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alan S Chen whose telephone number is 703-605-0708. The examiner can normally be reached on M-F 8:30am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A Gaffin can be reached on 703-308-3301. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JEFFREY GAFFIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100